

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOANN FONZONE,

Plaintiff,

v.

JOE OTERI, et al.,

Defendants.

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**Civil Action
No. 12-5726**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTIONS OBJECTING TO A VIDEO
DEPOSITION AND REQUESTING THAT THE CASE BE PLACED INTO STAY FOR
SIX (6) MONTHS**

Municipal Defendants, by and through the undersigned counsel, hereby file this Response to Plaintiff's Motions.

Defendants take no position with regard to Ms. Fonzone's representations to the Court that she is suffering from medical issues that are currently preventing her from moving forward with this litigation. However, Defendants wish to bring to the Court's attention the fact that they at no point attempted to take a video deposition of Ms. Fonzone. Defendants served notices of discovery depositions on Plaintiff to appear at defense counsel's office on February 11, 2016 and March 23, 2016. See attached notices of depositions. The notices contained no indication that the deposition would be on video, and Defendants had no intention of videotaping the deposition. Id. Prior to both dates, Ms. Fonzone contacted defense counsel and advised him that she was unable to appear due to medical appointments. In late March, the parties agreed that Plaintiff would appear for a discovery deposition at the City's offices on April 21, 2016, and a notice was sent to the Plaintiff. See attached notice. To date, Plaintiff has not advised the Defendants that she is unable to attend this deposition. Notwithstanding the currently scheduled deposition, Defendants take no position as to whether this case should be placed into stay, and defer to the

Court on that matter. Defendants do request that should the Court grant Plaintiff's motion to stay this proceeding for six (6) months, that Defendants will have the opportunity to depose the Plaintiff when the case is re-opened.

Date: April 14, 2016

Respectfully submitted,

/s/ Aaron Shotland
Aaron Shotland, Esq.
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

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JOANN FONZONE,

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CITY OF PHILADELPHIA, et al.,

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CERTIFICATE OF SERVICE

I hereby certify that on the date below, the Defendant's Response was filed via the Court's electronic filing system and is available for downloading. A copy was also sent via first class mail to the following recipients:

JOANN FONZONE
2242 TILGHMAN STREET
ALLENTOWN, PA 18104

Date: April 14, 2016

Respectfully submitted,

/s/ Aaron Shotland
Aaron Shotland, Esq.
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street, 14th Floor
Philadelphia, PA 19102